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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,754	01/26/2004	Jan Willem Hellenthal	W. Hellenthal 1-2 (LCNT/1)	8766
46363	7590	10/05/2006	EXAMINER NGUYEN, VAN H	
PATTERSON & SHERIDAN, LLP/ LUCENT TECHNOLOGIES, INC 595 SHREWSBURY AVENUE SHREWSBURY, NJ 07702			ART UNIT 2194	PAPER NUMBER

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/764,754

Applicant(s)

HELLENTHAL ET AL.

Examiner

VAN H. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 1/26/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/26/04 and 5/5/05.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This communication is responsive to the application filed 01/26/2004.

Claims 1-20 are currently pending in this application. Claims 1, 8, 17, and 20 are independent claims.

Examiner requests that Applicant review the application carefully for informalities including typographical errors.

### **Oath/Declaration**

2. The Office acknowledges receipt of a properly signed Oath/Declaration received 5/07/2004.

### **Information Disclosure Statement**

3. The Applicant's Information Disclosure Statements, filed 5/26/04 and 5/05/05, have been received, entered into the record, and considered.

### **Drawings**

4. The drawings are objected to because of the following informalities:

“PROXY MANAGER DISTRIBUTED SERVICE CONTRACT OVER 3 OPEM API SERVERS” (7000, Figure 3A) should read “PROXY MANAGER DISTRIBUTED SERVICE CONTRACT OVER 3 OPEN API SERVERS”.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Claim Objections**

5. Claim 18 and 19 are objected to because of the following informalities:
- As to claim 18, the phrase "A method of claim 16" should read "The method of claim 17".
  - As to claim 19, the phrase "A method of claim 16" should read "The method of claim 17".

Appropriate correction is required.

### **Claim Rejections - 35 USC § 112**

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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As to claim 1:

- “application programming interface commands” (line 4) is indefinite. It is not clear if it is referring to “application programming interface commands” recited in line 3.
- “received application programming interface commands” (lines 5-6) is indefinite. It is not clear if it is referring to “application programming interface commands” recited in line 3.
- “an application” (line 7) is indefinite. It is not clear if it is referring to “an application” recited in line 6.

As to claim 8:

- “application programming interface commands” (lines 5-6) is indefinite. It is not clear if it is referring to “application programming interface commands” recited in lines 3-4.

As to claim 17:

- “implementing parameters” (line 5) is indefinite. It is not clear if it is referring to “implementing parameters” recited in line 3-4.
- “received application programming interface commands” (lines 10-11) is indefinite. It is not clear if it is referring to “application programming interface commands” recited in line 8.

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As to claim 20:

- “received application programming interface commands” (lines 5-6) is indefinite. It is not clear if it is referring to “application programming interface commands” recited in line 2.
- “passed application programming interface commands” (lines 8-9) is indefinite. It is not clear if it is referring to “application programming interface commands” recited in line 2.

Dependent claims 2-7, 9-16, 18, and 19 are rejected for fully incorporating the deficiencies of their base claims.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by **Bouret et al.** (Pub. No.: US 2002/0101879 A1).

**As to claim 1:**

Bouret teaches the invention as claimed including an apparatus *[see the Abstract and the discussion beginning at ¶0018]*, comprising:

- an open API server (e.g., *The Parlay framework 2 can be seen as a collection of application programming interfaces*) for communicating with a user device (e.g., *user 3*) and for sending and receiving application programming interface commands (e.g., *The APIs are typically used to provide functions*) *[see the Parlay framework discussion beginning at ¶0036]*; and
- a proxy (e.g., *proxy server 6*) for receiving application programming interface commands from the open API server, for sending received application programming interface commands from the open API server to an application; for receiving responses from an application (e.g., *an application*), and for sending the received responses to the open API server *[see the proxy server discussion beginning at ¶0036]*;
- wherein the proxy sends service contract implementation parameters (e.g., *service contracts*) to the open API server *[see the discussion at ¶¶0028, 0031, 0036, and 0044]*; and
- wherein the open API server controls sending application programming interface commands based on the service contract implementation parameters *[see the discussion at ¶¶0052-0059]*.



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**As to claim 2:**

Bouret teaches the service contract implementation parameters are related to a service contract (*e.g., service contracts*) [see ¶¶0028,0031,0036, and 0044]

**As to claim 3:**

Bouret teaches a database for storing control parameters, wherein the proxy accesses and processes the stored control parameters to form the service contract implementation parameters [see ¶¶0049-0059].

**As to claim 4:**

Bouret teaches a registration [see ¶¶0018-0020 and 0042-0054] and discovery device that receives the control parameters [see ¶¶0037-0040].

**As to claim 5:**

Bouret teaches the proxy includes input/output circuitry, a memory, and a processor [see the proxy server discussion beginning at ¶0042].

**As to claim 6:**

Bouret teaches a computer readable media for storing program information that at least partially controls said proxy to produce the service contract implementation parameters [see the proxy server discussion beginning at ¶0036].

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**As to claim 7:**

Bouret teaches based on service usage, the open API server requests modified service contract implementation parameters *[see ¶¶ 0021, 0032-0033, and 0061]*.

**As to claim 8:**

The rejection of claim 1 above is incorporated herein in full. Additionally, Bouret further teaches a telecommunication network *[see ¶¶ 0018 and 0064]*; wherein said proxy monitors the status of the system; and wherein the proxy dynamically selects the at least first application or second application based on the status of the system *[see the proxy server discussion beginning at ¶ 0047]*.

**As to claim 9:**

Bouret teaches said proxy changes its selection based on a change to the system *[see the proxy server discussion beginning at ¶ 0047]*.

**As to claim 10:**

Bouret teaches the proxy is transparent to said open API server *[see fig.1 and the accompanying text beginning at ¶ 0036]*.

**As to claim 11:**

Bouret teaches the proxy is transparent to said at least first and second applications *[see fig.1 and the accompanying text beginning at ¶ 0036]*.

**As to claim 12:**

Refer to claim 5 above for rejection.

**As to claim 13:**

Bouret teaches a computer readable media for storing program information that at least partially controls the selection *[see the proxy server discussion beginning at ¶0047]*.

**As to claim 14:**

Bouret teaches at least one open API server bypasses the proxy and sends an application programming interface directly to an application so as to prevent the proxy from being a communication bottleneck *[see the proxy server discussion beginning at ¶0047]*.

**As to claim 15:**

Bouret teaches at least one application bypasses the proxy and sends an application programming interface directly to at least one open API server *[see ¶¶ 0052-0057]*.

**As to claim 16:**

Bouret teaches the proxy blocks predetermined application programming interface commands from propagating *[see the discussion beginning at ¶0042]*.

**As to claim 17:**

The rejection of claim 1 above is incorporated herein in full. Additionally, Bouret further teaches obtaining service contract terms (*e.g., an agreement regarding the services*); processing the service contract terms to develop implementation parameters for a plurality of open API servers [*see ¶¶ 0044-0051*]; wherein each open API server sends application programming interface commands only in accord with its local service contract terms [*see ¶¶ 0052-0059*].

**As to claim 18:**

Bouret teaches identifying conditions that may require modifications to local service contract terms, and sending a request for a local service contract term modification [*see ¶¶ 0021, 0032-0033, and 0061*].

**As to claim 19:**

Bouret teaches storing obtained service contract terms [*see ¶¶ 0049-0051*].

**As to claim 20:**

Bouret teaches the invention as claimed including a method of operating a telecommunication network [*see the Abstract and the discussion beginning at ¶0018*], comprising:

- sending and receiving application programming interface commands (*e.g., The APIs are typically used to provide functions*) from an open API

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server (e.g., *The Parlay framework 2 can be seen as a collection of application programming interfaces*)[see the Parlay framework discussion beginning at ¶0036];

- monitoring the status of the telecommunication network [see ¶¶0045-0047] and
- selectively passing sent and received application programming interface commands from the open API server to either a first application or to a second application [see ¶¶0051-0059];
- wherein the application that is passed application programming interface commands is dynamically selected based on the status of the telecommunication network [see ¶¶0051-0059].

### ***Conclusion***

8. The prior art made of record, see PTO 892, and not relied upon is considered pertinent to applicant's disclosure. Applicant should review these references carefully before responding to this office action.

### ***Contact Information***

9. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM- 6:00PM. The examiner can also be reached on alternative Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM THOMSON can be reached at (571) 272-3718.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair.direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**

Commissioner for patents  
P O Box 1450  
Alexandria, VA 22313-1450

A handwritten signature in cursive script, reading "Van H. Nguyen".

Van H. Nguyen  
Patent Examiner, AU 2194